

HOUSE No. 792

By Mr. O'Flaherty of Chelsea, petition of Eugene L. O'Flaherty for legislation relative to a second attachment of recovery by defendants. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT TO REMOVE AN INCONSISTENCY IN CERTAIN LAWS CONCERNING
THE ATTACHMENT OF GOODS, EFFECTS AND CREDITS IN THE HANDS OF
A PERSON ADJUDGED A TRUSTEE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 Chapter 246 of the General Laws is hereby amended by striking
- 2 out section 40, appearing in the 2002 Official Edition, and
- 3 inserting in place thereof the following section:—
- 4 Section 40. If the goods, effects and credits in the hands of a
- 5 person adjudged a trustee are not demanded of him by force of the
- 6 trustee execution within thirty days after the date which appears
- 7 on the trustee execution, they shall be liable to another attach-
- 8 ment, whether made before or after said date; or if there has been
- 9 no such second attachment, they may be recovered by the defen-
- 10 dant.